

From: [Hayes, Mark](#)
To: [Omar Valdez](#); [Sam Barrett](#); [Rebecca Storms](#); [Rhotenberry, William](#); [Dorothy Lewis](#)
Cc: [Webster, Susan](#); [Pletan, Elizabeth](#)
Subject: RE: Site security at Lane Plating Works
Date: Tuesday, April 04, 2017 3:24:12 PM
Attachments: [image004.png](#)

All,

The city can conduct an inspection under their own authority. EPA only advises that the city not do so on the behalf of EPA, particularly regarding Site property access. If the City wants to do more than just check the fence, like access the property, other issues may come up, as advised by the EPA site attorney:

First, access. They can't use the "consent to access" that was granted to EPA by the property owner, they would have to secure their own access. I'm sure they wouldn't do this but the City also cannot inform the property owner or anyone else that they are there on EPA's behalf/under EPA's authority etc., in order to gain access.

The second issue is, if City personnel accesses the Site, and an injury occurs as a result. This may be a liability issue and the EPA site attorney will be checking on this. We would need to know what the City site visits entails.

As a follow up, all of the haz waste within the Lane warehouse facility has been removed. Soil contamination and slip, trip, and fall hazards are all that remain. At the completion of EPA's last removal action in November there were no signs of forced entry to fencing or the facility.

I apologize for any confusion regarding EPA's position on site security. My recommendation is that TCEQ conduct monthly inspections of the site. EPA will continue to work with the City and TCEQ to maintain site safety and security.

V/r

Mark A. Hayes

On-scene Coordinator

US EPA Region 6 (6SF-EO)

1445 Ross Ave.

Dallas, TX 75202

214-665-2705

From: Omar Valdez [mailto:omar.valdez@tceq.texas.gov]

Sent: Tuesday, April 04, 2017 2:11 PM

To: Sam Barrett ; Hayes, Mark ; Rebecca Storms ; Rhotenberry, William ; Dorothy Lewis

Cc: Webster, Susan ; Pletan, Elizabeth

Subject: RE: Site security at Lane Plating Works

Importance: High

Good afternoon everyone,

In our experience, local authorities are able to play a vital role towards site security without necessarily needing to enter contaminated sites with environmental or physical hazards or property access issues. We have seen where local authorities, through their police departments or other such organizations, contribute to site security by enhancing or increasing patrols around a site without having to necessarily ingress a contaminated site and involve property access issues. We have seen where a contaminated site, whether federal or state-led, can achieve site security, in cooperation

with local authorities, by the lead environmental agency taking the steps necessary to ensure the perimeter is secure as much as practicably possible (fence, locked gates, etc.), while local authorities contribute to site security by routinely patrolling the site perimeter/area day and night as they deem necessary. I believe in this manner the environmental agencies and the local authorities can both play a role to ensure adequate site security is achieved as much as is practicable.

I hope this perspective based on our experience at other sites across the state is useful.

Thanks!

Omar.

Omar Valdez | Program Coordinator| Removals Program/Superfund Site Discovery & Assessment Program|
Superfund Section- Remediation Division/ [Texas Commission on Environmental Quality](#) / ☎ 512-239-6858 / 📠 512-239-2303 | ✉ Omar.Valdez@tceq.texas.gov



From: Sam Barrett

Sent: Tuesday, April 04, 2017 1:30 PM

To: Hayes, Mark <hayes.mark@epa.gov>; Rebecca Storms <Rebecca.Storms@Tceq.Texas.Gov>;
Rhotenberry, William <Rhotenberry.William@epa.gov>; Dorothy Lewis
<dorothy.lewis@tceq.texas.gov>

Cc: Omar Valdez <omar.valdez@tceq.texas.gov>; Webster, Susan <webster.susan@epa.gov>; Pletan,
Elizabeth <Pletan.Elizabeth@epa.gov>

Subject: RE: Site security at Lane Plating Works

Can the City conduct site security on their own behalf. The City is concern that the site poses a safety hazard to their citizens. I believe that they have the authority to ensure that a facility has access control in place to protect the public. It may not be under Superfund but there's wide variety of health and safety requirements that the city can enforcement

If EPA is saying that the city cannot check on site security at Lane Plating work than is EPA going to provide the necessary site security visits?

Sam Barrett

Waste Section Manager

TCEQ DFW Region

817-588-5903

From: Hayes, Mark [<mailto:hayes.mark@epa.gov>]

Sent: Tuesday, April 04, 2017 1:22 PM

To: Rebecca Storms <Rebecca.Storms@Tceq.Texas.Gov>; Rhotenberry, William
<Rhotenberry.William@epa.gov>; Dorothy Lewis <dorothy.lewis@tceq.texas.gov>

Cc: Sam Barrett <sam.barrett@tceq.texas.gov>; Omar Valdez <omar.valdez@tceq.texas.gov>;
Webster, Susan <webster.susan@epa.gov>; Pletan, Elizabeth <Pletan.Elizabeth@epa.gov>

Subject: RE: Site security at Lane Plating Works

Rebecca,

After speaking with my management I was informed that there are liability concerns with the city conducting site visits on our behalf. The concerns are mainly due to the fact that Lane is a superfund site and our access agreement with the property owner extends to EPA personnel and representatives only. It is my understanding that there is a process for the city to acquire access, however, I'm not familiar with what the process is. I plan to discuss the issue with my site attorney.

At this time EPA will not permit the city to conduct site visits on our behalf.

V/r

Mark A. Hayes

On-scene Coordinator

US EPA Region 6 (6SF-EO)

1445 Ross Ave.

Dallas, TX 75202

214-665-2705

From: Rebecca Storms [<mailto:Rebecca.Storms@Tceq.Texas.Gov>]

Sent: Tuesday, April 04, 2017 9:55 AM

To: Rhotenberry, William <Rhotenberry.William@epa.gov>; Dorothy Lewis <dorothy.lewis@tceq.texas.gov>

Cc: Sam Barrett <sam.barrett@tceq.texas.gov>; Hayes, Mark <hayes.mark@epa.gov>; Omar Valdez <omar.valdez@tceq.texas.gov>

Subject: RE: Site security at Lane Plating Works

Hi Dorothy,

Sorry you've been sick, I'm getting over something myself.

Thanks for getting back to me. I spoke to Mark Hayes at EPA Removals, and he indicated they would not have an issue with someone from the city checking the site on a routine basis. He had recommended this be done monthly, by TCEQ if possible. Is this outside the Regions' focus right now?

Please let me know if the Region would officially be ok with someone from the city checking on the site routinely, or if it's possible for the region to do this.

Thanks,

Rebecca

From: Rhotenberry, William [<mailto:Rhotenberry.William@epa.gov>]

Sent: Tuesday, April 04, 2017 9:52 AM

To: Dorothy Lewis <dorothy.lewis@tceq.texas.gov>; Rebecca Storms <Rebecca.Storms@Tceq.Texas.Gov>

Cc: Sam Barrett <sam.barrett@tceq.texas.gov>; Hayes, Mark <hayes.mark@epa.gov>

Subject: RE: Site security at Lane Plating Works

Hi Dorothy/Rebecca,

I have cc'd Mark Hayes who is now the OSC for the site. Mark has also been in touch with the City of Dallas so I will refer this issue to him. Thx.

From: Dorothy Lewis [<mailto:dorothy.lewis@tceq.texas.gov>]

Sent: Tuesday, April 04, 2017 9:42 AM

To: Rebecca Storms <Rebecca.Storms@Tceq.Texas.Gov>

Cc: Rhotenberry, William <Rhotenberry.William@epa.gov>; Sam Barrett <sam.barrett@tceq.texas.gov>

Subject: RE: Site security at Lane Plating Works

Rebecca,

I was out sick most of last week including the day you left the messages. No, the Region has not been out there since the removal. I'm not sure if EPA has been out there since the additional soil sampling. I don't believe we would have any concerns with the city stopping by on a routine basis to

perform a site security check. I will have to confirm this with my management though. I'm not sure if the EPA will have concerns so you may want to contact Bill Rhotenberry for the answer.

From: Rebecca Storms

Sent: Thursday, March 30, 2017 2:44 PM

To: Dorothy Lewis <dorothy.lewis@tceq.texas.gov>

Subject: Site security at Lane Plating Works

Hi Dorothy,

The City of Dallas has had several questions for me lately related to Lane Plating Works. Today they asked me who is responsible for site security, and how often the site is being checked. They are concerned about the public potentially coming into contact with any remaining wastes on-site (I don't know that there are any, aside from the in-place soil) and the on-site wells. There is some concern that the wells are large enough for someone to fall inside, if not properly secured.

I know Region 4 has secured the site as part of emergency actions a couple of times recently. Is this something that is periodically being checked on and maintained by Region 4? Or is it in the hands of the EPA, now that a Removal Action has been done?

Please let me know what role Region 4 has at the site now, if any, regarding the security, and when the last time you checked on the site was? Please also let me know if you have any plans on checking the site in the future? If applicable, I may provide the City with your contact information so they can discuss the matter with you directly. I also plan on reaching out to the EPA for information.

Thanks,

Rebecca Storms, P.G.

Superfund Section, MC-136

Remediation Division

Texas Commission on Environmental Quality

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